

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1273 OF 2006

Ananta @ Vithal @ Buwa Bhagogi Kudale. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri S.A. Rajeshirke for Applicant.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 7, 2006

P.C. :-

. Heard learned Counsel for the applicant and
learned APP for the State.

. The applicant was arrested in connection with an
offence punishable under Section 302 read with Section
34 of the IPc.

2. It is alleged that the applicant alongwith other
accused assaulted deceased Anant Kodekar with lethal
weapons. The person who had accompanied the deceased
witnessed the entire incident and he has mentioned the
name of the present applicant in his statement as one of
the persons who had assaulted the deceased.

3. It is submitted by the learned Counsel for the applicant that the statement of the eye witness has been recorded after two days and the delay has not been explained by him. It is further submitted that there were overwritings in respect of the date on which the statement of the eye witness was recorded.

4. It is not possible to accept the submission of the learned Counsel for the applicant. There is sufficient material on record to indicate the involvement of the present applicant in the commission of the said offence. There is recovery of motorcycle at the instance of the present applicant. The blood stained clothes and the scythe which was used in the commission of the said offence also has been recovered at his instance. He has been identified in the Test Identification Parade.

5. The application, therefore, is rejected. The trial, however, is expedited. Liberty is granted to the applicant to apply again if the trial is not over within the reasonable period of time.

. Application is disposed of in the above terms.

(V.M. Kanade, J.)